

Before the
Federal Communications Commission
Washington, D.C. 20554

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In the Matter of)
)
JAMES D. SLEEMAN)
Snow Hill, Maryland)
)
Amendment of Section 73.202(b))
Table of FM Allotments)
to Allot Channel 266A to)
Snow Hill, Maryland)

MM Docket No. 97-73
RM-9012

TO: Chief, Allocations Branch

COMMENTS AND COUNTERPROPOSAL OF GREGORY S. BOJKO

Gregory S. Bojko ("Bojko"), by his attorney, hereby respectfully submits the following Comments and Counterproposal in the above proceeding:

1. In this proceeding, the Chief, Allocations Branch, proposes to amend the Table of FM Allotments to allot Channel 266A to the community of Snow Hill, Maryland, as its first local FM broadcast service. As the Chief points out, Snow Hill is an incorporated community, having a population of 2217 persons (1990 Census). Bojko does not disagree with the foregoing assertion.

2. There is, however, in nearby Virginia, a larger community which, like Snow Hill, presently has no local FM broadcast service. That community is the community of Chincoteague. Chincoteague is incorporated and is governed by a

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mayor and council. It has all of the characteristics of an incorporated community, including its own post office, police department, fire department and other city services. A list of the current councilmen and the mayor is attached hereto and marked Exhibit A.

3. Chincoteague is larger than Snow Hill. In fact, the 1990 Census population of Chincoteague is 3572 persons. Thus, in a comparison between Chincoteague and Snow Hill, the mandate of Section 307(b) of the Communications Act would appear to dictate that, if Channel 266A can be placed in either Snow Hill or Chincoteague, the public interest would be better served by allocating the channel to Chincoteague.

4. Bojko is a resident of the State of Maryland. He makes his living as a contract engineer. He has engaged Dataworld to prepare a study to determine whether Channel 266A can be allocated to the community of Chincoteague. The results of that study are attached hereto and marked Exhibit B. As shown, based upon a reference point located at the main post office in Chincoteague, the channel may be allocated to Chincoteague, Virginia, in full conformity with all of the requirements of the Commission's Rules and Regulations.

5. Bojko hereby proposes that Channel 266A be allocated to Chincoteague, Virginia, instead of to Snow Hill, Maryland. If the Chincoteague allocation is made, Bojko will file an application for a construction permit for a new FM broadcast station to operate on Channel 266A at Chincoteague. If Bojko's application is granted

and he is issued a construction permit, Bojko will promptly construct the station at Chincoteague and place it in operation in the public interest.

March 21, 1997

Law Office of
LAUREN A. COLBY
10 E. Fourth Street
P.O. Box 113
Frederick, MD 21705-0113

Respectfully submitted,

GREGORY S. BOJKO

By: 

Lauren A. Colby
His Attorney

EXHIBIT A



TOWN OF CHINCOTEAGUE, INC.

OFFICE OF THE MAYOR

MAYOR HARRY S. THORNTON
P. O. BOX 115
CHINCOTEAGUE, VA 23336

VICE-MAYOR ROYCE JONES
P. O. BOX 958
CHINCOTEAGUE, VA 23336

COUNCILMAN JOHN R. TAYLOR, JR.
6425 CHURCH STREET
CHINCOTEAGUE, VA 23336

COUNCILMAN JOHN H. TARR
6454 HOWARD DRIVE
CHINCOTEAGUE, VA 23336

COUNCILMAN W. GRAHAM DILL
P. O. BOX 1038
CHINCOTEAGUE, VA 23336

COUNCILMAN H. AUSTIN SMITH
5250 MEADOW DRIVE
CHINCOTEAGUE, VA 23336

COUNCILMAN TERRY HOWARD
7443 BEEBE ROAD
CHINCOTEAGUE, VA 23336

T. STEWART BAKER, TOWN MANAGER
5156 SERENITY LANE
CHINCOTEAGUE, VA 23336

EXHIBIT B

ISLAND BROADCASTING
STEPHENSVILLE, MD

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FM Spacing Study

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omissions in the information hereby provided, and shall not be liable
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from use of the said information.

Job title: POST OFFICE
Channel 266A
FM Translators excluded.
Coordinates: 37-56-00 75-22-36
Safety zone: 30 km (18 miles).

ISLAND BROADCASTING
STEPHENSVILLE, MD

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FM Spacing study

Title: POST OFFICE
Channel 266A (101.1 MHz)
Database: DW 03/06/97

Latitude: 37-56-00
Longitude: 75-22-36
Safety zone: 30 km

Call	Auth	Licensee name	Chan	ERP-kW	Latitude	Br-to	Dist.	Req.
City of License	St	FCC File no.	Freq	EAH-m	Longitude	-from	(km)	(km)
WDIH	LIC	SALISBURY ED BROADCASTIN	*212A	.38	38-24-28	339.4	56.32	10
SALISBURY	MD	BLED-900717KC	90.3	55	75-36-16	159.3	46.32	CLEAR
Call Granted 08/10/87								
WKHS	LIC	BOARD OF EDUC OF KENT CO	*213B1	17.5	39-16-55	337.7	162.1	12
WORTON	MD		90.5	66	76-05-26	157.3	150.1	CLEAR
WAAI	CP	APEX ASSOCIATES, INC.	263A	6	38-34-43	329.0	83.76	31
HURLOCK	MD	BPH-941114IF	100.5	100	75-52-22	148.7	52.76	CLEAR
CP Granted 03/13/95 per FCC release #22115 dated 03/21/95; CP Granted 03/13/95 per FCC release #22115 dated 03/21/95; FROM CHANNEL 265A								
WZXL	LIC	VINRAH OF NEW JERSEY INC	264B	38	39-07-28	21.7	142.6	69
WILDWOOD	NJ	BLH-870602KA	100.7	101	74-45-56	202.1	73.55	CLEAR
WAAI	LIC	APEX ASSOCIATES, INC.	265A	1.30	38-37-28	330.0	88.85	72
HURLOCK	MD	BLH-890607KB	100.9	153	75-53-20	149.6	16.85	CLEAR
TO CHANNEL 263A								
PRM		PROPOSED RULE MAKING	266A		38-09-17	11.1	25.05	115
SNOW HILL	MD	DOC-97-73	101.1		75-19-17	191.1	-90.0	SHORT
PRM adopted 01/14/97, released 02/21/97; RM-9012; SITE RESTRICTION OF 4.3 MI E								
WWDC-FM LIC		CAPITOL BROADCASTING COM	266B	22.5	38-59-59	309.5	188.5	178
WASHINGTON	DC	BLH-850904KT	101.1	232	77-03-27	128.5	10.50	CLOSE
BRH-950518YB(23525-6/9/95)								
WXPZ	LIC	SAMPSON COMMUNICATIONS,	267A	3	38-51-21	354.8	102.8	72
MILFORD	DE	BLH-901119KH	101.3	100	75-29-02	174.8	30.83	CLEAR
Call Granted 03/07/90 per FCC release #129 dated 03/09/90; Ant: Harris FML-3E								
WBQB	LIC	MID ATLANTIC NETWORK, IN	268B	50DA	38-19-57	284.7	182.4	69
FREDERICKSBURG	VA	BLH-910701KC	101.5	150	77-23-41	103.5	113.4	CLEAR
Was WFVA-FM 08/04/89; DA: Shiveley 6810-4R-DA @ 0 deg								
WRKE	LIC	Q-TONE BROADCASTING CORP	269A	3	38-29-20	14.0	63.57	31
OCEAN VIEW	DE	BLH-860122KC	101.7	91	75-12-01	194.1	32.57	CLEAR
Was WOVU 11/01/89								

>> End of channel 266A study <<

ISLAND BROADCASTING
STEPHENSVILLE, MD

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FM Spacing study

Title: POST OFFICE
Channel 266A (101.1 MHz)
Database: FCC 02/27/97

Latitude: 37-56-00
Longitude: 75-22-36
Safety zone: 30 km

Call City of	Auth License	Licensee name St	FCC File no.	Chan Freq	ERP-kW EAH-m	Latitude Longitude	Br-to -from	Dist. (km)	Req. (km)
WDIH Salisbury	LIC	Salisbury Educational Br MD	*212A 90.3	.38 55	38-24-28 75-36-16	339.4 159.3	56.32 46.32	10 CLEAR	
WKHS Worton	LIC	Board of Educ. of Kent C MD	*213B1 90.5	17.5 66	39-16-55 76-05-26	337.7 157.3	162.1 150.1	12 CLEAR	
WAAI Hurlock	CP	Apex Associates, Inc. MD BPH-941114IF	263A 100.5	6 100	38-34-43 75-52-22	329.0 148.7	83.76 52.76	31 CLEAR	
WZXL Wildwood	LIC	Bear Broadcasting Compan NJ BLH-870602KA	264B 100.7	38 101	39-07-28 74-45-56	21.7 202.1	142.6 73.55	69 CLEAR	
WAAI Hurlock	LIC	Apex Associates, Inc. MD BLH-890607KB	265A 100.9	1.30 153	38-37-28 75-53-20	330.0 149.6	88.85 16.85	72 CLEAR	
PRM Snow Hill	ADD	James D. Sleeman MD DOC-97-73	266A 101.1		38-09-17 75-19-17	11.1 191.1	25.05 -90.0	115 SHORT	
ALLOC Washington			266B 101.1		38-59-59 77-03-27	309.5 128.5	188.5 10.50	178 CLOSE	
WWDC-FM Washington	LIC	Capitol Broadcasting Com DC BLH-850904KT	266B 101.1	22.5 232	38-59-59 77-03-27	309.5 128.5	188.5 10.50	178 CLOSE	
WXPZ Milford	LIC	Samson Communications, I DE BLH-901119KH	267A 101.3	3 100	38-51-21 75-29-02	354.8 174.8	102.8 30.83	72 CLEAR	
WBQB Fredericksburg	LIC	Fredericksburg Broadcast VA BLH-910701KC	268B 101.5	50DA 150	38-19-57 77-23-41	284.7 103.5	182.4 113.4	69 CLEAR	
DA: oddball ODD890626IF @ 0 deg									
ALLOC Ocean View			269A 101.7		38-29-20 75-12-01	14.0 194.1	63.57 32.57	31 CLEAR	

>> End of channel 266A study <<

CERTIFICATE OF SERVICE

I, Traci Maust, a secretary in the law office of Lauren A. Colby, do hereby certify that copies of the foregoing have been sent via first class, U.S. mail, postage prepaid, this 21st day of March, 1997, to the offices of the following:

James D. Sleeman
125 Chester Avenue
Annapolis, MD 21403

Traci Maust
Traci Maust